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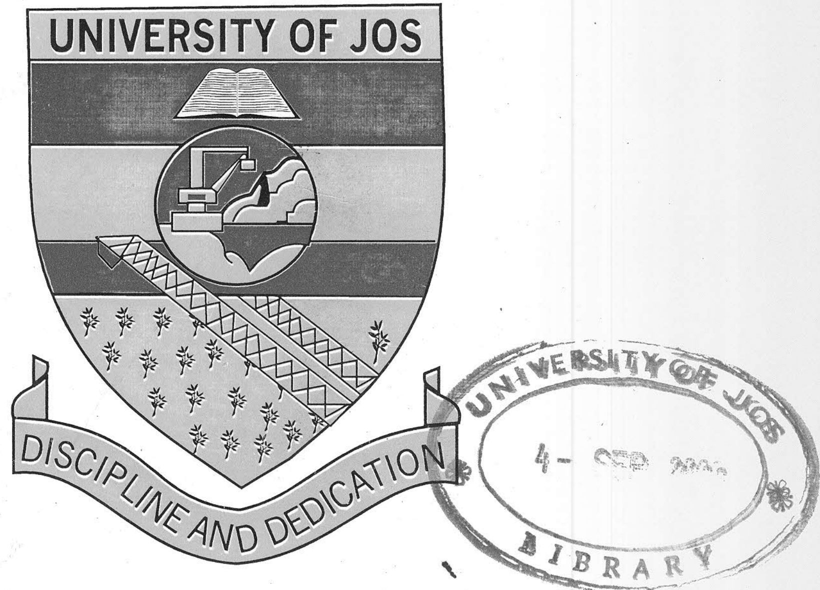

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Of CITIZENS AND CITIZENS:
The Dilemma of Citizenship in Nigeira

INAUGURAL LECTURE

DELIVERED AT THE UNIVERSITY OF JOS ON THURSDAY 9TH MARCH, 2006.

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Unijos Inaugural Lecture Series 27

OF CITIZENS AND CITIZENS:
The Dilemma of Citizenship in Nigeria

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BIOGRAPHY OF THE AUTHOR

Professor Sonni Gwanle Tyoden was born on a Sunday morning on the 22nd of September 1950 in Kombun in Mangu Local Government Area (LGA) of Plateau State. His home-town is however Pushit in the same LGA.

He started his education in Native Authority (NA) Primary School Pankshin, rising to Class Four before he relocated to Demonstration Primary School, Gindiri. Primary Schools in those days spanned a period of seven years, but because of the evident academic potential of young Sunday (as he was called at that time) he passed the examination to Gindiri Boys' Secondary School from Class Six in 1963. In fact he also passed to Government Secondary School Kuru and the Government College, Kaduna, the same year. He however stayed in Gindiri, completing his Secondary education in 1968, where he came out with a Division One in the West African School Certificate Examination.

In 1972, he was enrolled among the foundations students of the University of Ibadan (Jos Campus). In 1973 he moved with his colleagues to University of Ibadan proper, where he joined the Political Science Department. He was very active in the affairs of the Department, emerging as the President of the Political Science

Students Association of the University. He graduated in 1976 with a Second Class Upper Division in Political Science.

Although, he was offered Graduate Assistantship by his Department in Ibadan after graduation, family pressure and considerations, forced him to turn the offer down and join the Plateau State Civil Service in 1977 as an Administrative Officer after his National Youth Service. He however did not last long in the service, as it soon dawned on him that he was cut out for the academia. Thus, six months later, he was on his way to Lancaster in the United Kingdom for his Masters Degree.

He completed his Masters and Doctorate Degrees on the record time of 3 years (1978-1980) and joined the University of Jos as a Lecturer II in October 1980. He rose through the academic ladder in the University of Jos attaining the rank of Reader (Associate Professor) in 1988. In 1990, he moved to the University of Abuja as a full Professor. He rejoined the University of Jos in 2000 and has been on ground since then.

Professor Tyoden has held various administrative positions in the University system. He was Head of Remedial Department University of Jos; Head of Political Science Department University of Jos; Head Department of Political Science, University of Abuja; Dean Faculty of Social Sciences, University of Abuja; Dean, Faculty of Social Sciences University of Jos. He was also once, Chairman of the

Academic Staff Union of Universities (ASUU), University of Jos branch.

Outside the University, he has served as a Research Consultant to the National Council on Intergovernmental Relations (N.C.I.R.) and the Human Rights Investigation Commission (Oputa Panel). He was a member of the Governing Council, School of Preliminary Studies Keffi and the Chairman of the Government Council, College of Education, Akwanga. Currently, he is a Member of the Governing Councils of the University of Jos and of the Nigerian Institute for International Affairs (NIIA). He is also the first Vice-President of the Nigerian Social Science Academy.

Professor Tyoden is widely published, having a total of 41 published works to his credit. In addition, he has authored 24 Technical Reports, Monographs and Commissioned Papers; presented 37 Conference Papers; and given 17 public lectures on various topics.

Professor has four children.

DEDICATION

I dedicate this lecture to the two people who planted in me the idea of an academic career and nurtured me towards it: Professors Billy Dudley and Sam Nolutshungu; to the women who made all the necessary sacrifices to make this dream a reality: Esther S. Tyoden; and to God Almighty, who makes all things possible.

ACKNOWLEDGEMENT

I wish to place on record with appreciation, the assistance of Drs. Sam Egwu and Akinyemi in sourcing relevant materials for me for this lecture.

OF CITIZEN AND CITIZENS: The Dilemma of Citizenship in Nigeria

PREAMBLE

Vice-Chancellor Sir, Principal Officers, Deans, Directors, Heads of Departments, fellow Professors and Lecturers, Invited Guests, Great Josites, Distinguished Ladies and Gentlemen. The tradition of Inaugural lectures is not only as old as the University system, but its hosting is seen as reflecting and in keeping with the best in the academic character of a University. This is so, because Inaugural lectures are not the normal lectures ordinarily identified with a University. Inaugural lectures are the genre of lectures given by those whom one can say have arrived as far as the University academic career is concerned, because it is a preserve of Professors. Ideally, a Professor should give an inaugural lecture as soon as he or she is promoted to a Chair, but the vicissitudes of academic practice in Nigeria, make this almost impossible as my own experience attests. As Chairman of the University of Abuja Inaugural Lecture Series, I was to have inaugurated the Inaugural lecture series of the University with my inaugural lecture in 1994, which would have been four years after my elevation to the Chair of Political Science in the University. However, as the preparations were on for my lecture that year, I became a victim of the degenerative perfidy that pervaded our

Universities and almost destroyed the University system during the military era. That development kept me out of the University system for five years. We were reinstated in 1999 by the grace of God, through a Court Order, in one of those rare moments when the Nigerian judiciary became indeed, a beacon of justice that it is supposed to be.

I relocated to the University of Jos in 2000 and resolved in my private Academic Development Plan, that I would give my inaugural lecture in five years time, because having been out of the system for five years, I felt each of those years needed its own year of mental and academic rehabilitation. Come 2005, the Inaugural Lectures Committee included me on their schedule, but again, that was not to be, for two months to my proposed schedule, marauders of the night came visiting. For anybody who has had a loaded gun pointed at him for even a second or found himself caged in a house for even five seconds by armed robbers, the experience is harrowing to say the least. In my own case, five gun-totting youths not only raptured the serenity of my house, but invaded the privacy and sanctity of my bedroom, terrorized me and my daughters, ruptured my head with a full bottle of my own wine and left me sprawling in my own blood – a testimony to their gruesome trade mark. It was an experience that was to put me in a state of mental amnesia for some time and thus my scheduled inaugural lecture had to be shifted to this year.

I have gone into this detour on the history of my inaugural lecture just to provide an answer to somebody who may want to query why after fifteen years as a Professor, I should be giving an inaugural lecture now. My reasons as stated above, however, differ from those of the erudite poet and literary guru Professor Niyi Osundare of the University of Ibadan, who only had the opportunity to deliver his inaugural lecture after fifteen years as a Professor[1]. In his case, even when the opportunity eventually came, it was a few weeks to his retirement. Professor Osundare however, refused to seize the opportunity for two personal reasons: First, he felt that this noble intellectual tradition had been bastardized and he did not want to be part of its further bastardisation. In his words, "the practice of inaugural lectures has been corrupted unto a ritual of hollow masquerades and theatrical enactments complete with all the noisy affections of an iwuye (chieftaincy) extravaganza". Second, he felt that he had "inaugurated" himself - as he put it – having graduated hundreds of students, supervised many theses and dissertations and contributed to scholarship and creative writing in Nigeria, Africa and many parts of the world in his fifteen years of Professorship. Thus, rather than give an inaugural lecture, Professor Osundere decided to go for a Valedictory lecture.

Professor Osundare is entitled to his choice and views, but I think he is way off the mark to equate lecturing students, supervising theses and dissertations and graduating students and writing scholarly

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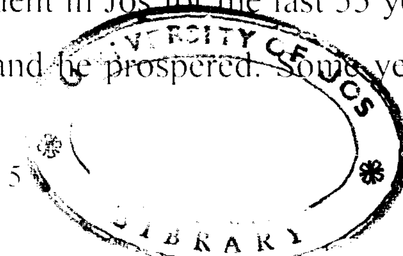
papers, with the presentation of an Inaugural lecture. These are different academic preoccupations that cannot be substituted. On the degeneration of Inaugural lectures in the University of Ibadan which he draws our attention to, one can only say it is an unfortunate development, because I still recall with nostalgia, the first Inaugural lecture I attended then as a student in 1975, when the Head of the Department of Political Science, University of Ibadan, Professor Billy Dudley of blessed memory, gave his inaugural lecture. Although we the students barely understood the lecture, we were in any case enchanted by the solemnity of the occasion, and the aura of knowledge that oozed out from the podium and kept all of us – staff and students – glued to our seats for almost three hours. So much for cherished memories.

The corruption of the tradition of Inaugural lectures alluded to by Professor Osundare may be true of the University of Ibadan, but it is definitely not universal to the University system.. At least, we in the University of Jos, have tried to keep the tradition as academically sacred as possible. At this juncture, I want to congratulate the Vice-Chancellor and his administration for not only reviving the practice of giving Inaugural lectures in this University, but of sustaining it. Indeed, of the 27 inaugural lectures given in this University since inception, 20 have been presented during Professor Mangvwat's tenure. Infact, if we have any problem with inaugural lectures in this University, it is that of attendance. May I therefore use this occasion

to urge all of us to justify the administration's effort in this direction, by attending these seminal lectures. Even if the subject is difficult and the language technical with some lecturers seemingly speaking in tongues, you can get interpreters after the lecture. Fortunately Mr. Chairman, distinguished Ladies and Gentlemen, Political Science, my own discipline, is a discipline of the masses. The subject-matters we deal with are common place and our language – though technical at times – is more often than not comprehensible enough, so we have no problem and need no interpreters today.

May I use this opportunity Vice-Chancellor Sir, to call on the University administration and our retiring Professors to also think about starting the practice of organizing Valedictory lectures in the University. This will not only enrich our academic and scholarly output, but will provide senior retiring Professors with the opportunity to pass on their experiences to younger colleagues as we formally bid them bye bye from academia.

Vice-Chancellor, distinguished Ladies and Gentlemen, my lecture resolves round the issue of citizenship and citizenship rights in Nigeria. I will start with the illustrative but true story of six Nigerians. Some four weeks ago, I and some friends were reflecting on the state of affairs in this country when two of us, decided to share their life experiences with us. First was Alhaji Abdulrahaman who left Katsina at the age of 15 and has been resident in Jos for the last 55 years. God smiled on Alhaji Abdulrahaman and he prospered. Some years back,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he went to the Plateau State Ministry of Lands and Survey and asked about the possibility of applying for a piece of land to build a plastics factory. The Director of Lands then, told him she could not process his application, since he was not an indigene of Plateau State. On a plane a few weeks after that incident, he met this Yorubaman from Ota, Abeokuta, in today's Ogun State to whom he narrated his unfortunate experience. The man there and then offered to get him the plot of land in Ota and he did and Alhaji Abdulrahman eventually built his factory.

Moved by the Alhaji's story, Mr. Ajala then gave us his own experience: He was born and bred here in Jos. Their family house used to be where the burnt Jos market is currently located. Knowing that he would not be given a University Scholarship in Plateau State being a non-indigene, he went to Oyo State his home State and submitted his application. In the Oyo State Ministry of Education, he was told point-blank: "You Ogbomosho people, you will stay in Jos and come and be disturbing us here for Scholarship. Go to Jos and get your Scholarship". He was denied the scholarship and Mr. Ajala eventually ended up pursuing his University studies, sponsored by his parents.

Now to the experience of two married women: Dr. Joyce Mangvwat originally a Kaduna State woman but married to a Mwaghavul man in Plateau State, was made a Commissioner in Plateau State by one of the Military regimes. Some Mwaghavul

people petitioned her appointment on the grounds that she was a Ninzom from Kaduna State. Soon after that, Dr. Lami Hamza a Mwaghavul woman married to a Zaria man was also made a Commissioner. The same Mwaghavul people petitioned her appointment on the grounds that she is married to a Zaria man. Two years ago, the same Mrs. Hamza was made a Federal Permanent Secretary and I was told Zaria people petitioned that she was a Plateau woman and not a Kaduna State woman!

Major General Chris Alli was born in Koton Karfe in present Kogi State but grew up and schooled in Onitsha in the then Eastern Nigeria. He was a brilliant boy, a School Prefect and Sports Prefect. On graduation from Metropolitan College Onitsha, he applied for a job with the Eastern Broadcasting Corporation but was turned down despite his A2 in English and Distinction in Igbo in the West African School Certificate. He was told he was not an Easterner but a Northerner. He rushed back to his supposed home in the North, where his traditional ruler the Ohimege of Igu even took him to the Premier, the Sardauna of Sokoto, but he was eventually not employed by the Northern Regional Civil Service. For somebody whose physiognomy was more Igbo than Igbirra, who spoke Igbo and no Hausa and who was dressed more like a Southerner than a Northerner, it was difficult convincing the Minister of Establishment to whom the Sardauna handed him over to, that he was a Northerner. With nowhere else to

turn to, young Chris Alli moved to the Armed Forces. The rest as they say is today history[2].

One final illustration Mr. Chairman is the well known case of Dr. Nnamdi Azikiwe (Zik). Anybody with a smattering of knowledge on the political history of Nigeria will recall the experience of Zik in the then Western region. His party, the National Council of Nigerian Citizens (NCNC) had won the majority seats in the 1954 Western Regional Assembly elections. This would have made Zik the Premier of the Western Region, going by the Parliamentary system in operation then. Before that could happen however, it suddenly dawned on the Yoruba political elite, that Zik was an Igbo. Mass decampment by Members of Parliament from the NCNC to the Action Group was deliberately organized by the Yoruba political elite to sabotage Zik's ascendancy to the Premiership of the Western Region. He in turn, scampered back to Enugu - in Igbo heartland - where Mr. Eyo Ita a Calabar man was also poised to be the Premier of the Eastern Region under the NCNC. Mr. Ita was informed that despite his being a good and leading NCNC man, he could not be Premier of Eastern Region as he was a citizen of the Party but not of the region!

Mr. Chairman, all the above except Mr. Eyo Ita ended up saying: "To God be the Glory", as their varied experiences did not truncate their life chances. As for Mr. Ita however, that was the end of his political career. There are millions of Nigerians with similar experiences as the six above and many also like Mr. Ita, have had

their ambitions shattered, their life chances dashed for good, and their faith in the Nigerian nation left in tatters on questionable citizenship practices. Yet all these people are supposed to be Nigerians and constitutionally, they are Nigerian citizens with the same rights and equal claims on the Nigerian State. The differential experiences seen above, means that in Nigeria, *there are citizens and there are citizens.* This is the dilemma of Nigerian citizenship and this is our focus this afternoon.

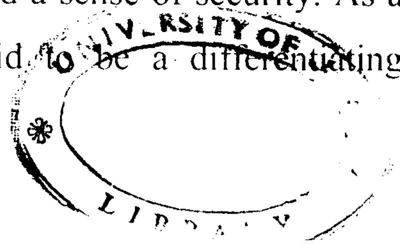
Mr. Chairman, discourses on citizenship and citizenship rights in Nigeria while not new, have of recent been on the front bunner of scholarly and national concern. The reasons for this are not far-fetched. First, is the fact that contestations over citizenship and citizenship rights in its various forms have resonated to deafening proportions since the return to constitutional democratic rule in 1999, turning Nigeria into one large campitheater of such contestations. The contestations are in themselves innocuous developments and not strange to our society. The worrisome thing about them has been the attendant violence. Indeed, it has been claimed that no less than 90 violent conflicts between 1999 and 2005 owe their origin to contestations over citizenship and citizenship rights[3]. Again, the concern is not the violence *per se*, but the resultant orgy of material and human destruction that come with it; the latter being in tens of thousands of lives while the former is in hundreds of millions of naira. Second and relatedly, these contestations have thrown up serious

questions about the theory and practice of Nigerian citizenship. A third source of concern Mr. Chairman, is the emerging questions about the legitimacy status of the Nigerian State resulting from the confusion and contradictions in the theory and practice of Nigerian citizenship. Taken together, the import of these developments is the confirmation that the struggle over citizenship and citizenship rights in Nigeria is not yet a settled matter, despite a civil war that owed its origin primarily to these contestations.

In Nigerian academic circles, the problematique of citizenship and access to its derivable benefits, (sometimes couched in the context of national integration), have long been seen as central to the resolution of the national question and critical in determining the Nigerianess - in terms of acceptability - of the Nigerian State. Indeed, what goes under the rubric of the omnibus concept of the national question is in reality, nothing more than the encapsulation of the said problematique, which is in large measure, the Achilles heels of the legitimacy status of the Nigerian State. The pervasiveness of the contestations over citizenship and the acute dimensions it has taken in the current dispensation, explains its preeminence in current discourses on the Nigerian State. Before we delve into the dilemma of citizenship in Nigeria, we need to understand what we mean by citizenship and how it has evolved historically within the local and international dimensions.

CITIZENSHIP AND CITIZENSHIP RIGHTS

Scholars versed in the subject of citizenship have drawn attention to the dynamic and evolutionary nature of the concept[4]. This quality has given citizenship a definitional elasticity that allows it to mean many things to different people[5]; a character which buttresses the complex nature of the concept, and which was very well captured by Martin Partington when he states that citizenship, "is not capable of simple or straight forward definition; rather it incorporates a wide range of meaning from the technical … to the aspirational[6]". Shorn of technicalities however, citizenship is an ascriptive word which defines ones status within a given community. To be called a citizen is to be ascribed the status of a full member, an integral component of a community. The ascription of the status of citizenship on an individual, imposes some obligations on the individual; expressive identification with the community being the minimum. Citizenship thus involves a reciprocal relationship between the individual and the community, based on recognition cum acceptance and identity cum belongingness. Thus without a community there are no citizens and without citizens, there will be no community. The community whether conceived of as a clan, ethnic group or nation-state, determines its own criteria of citizenship. On the other hand, the status of citizenship confers on the recipient a sense of belonging, a sense of being at one with the community, a sense of identity and a sense of security. As a concept therefore, citizenship can be said to be a differentiating



concept, in that it discriminates between the citizen and the non-citizen. Contrariwise, within a given community, citizenship performs an integrative function. Indeed, this was one of the noticeable qualities of the concept identified by T.H. Marshal in his seminal essay on the historical evolution of citizenship[7].

Another noteworthy feature of citizenship is its equalizing quality. To have the same citizenship status is to be deemed equals within the society. Indeed this equalizing platform provided by citizenship is what it is said to share with the concept of democracy[8], since theoretically at least, democracy is supposed to provide a level playing field for all participants in the societies political process.

As pointed out earlier, the context of citizenship could be communities as varied and as narrow as a clan or even a family, or as wide as the State or even as the planet Earth. For our purpose here however, the focus is on the State, and in particular, the Nigerian State.

As a concept defining membership, identity and exclusiveness, citizenship is as old as the first human settlement. However, in their modern form, the evolution of the concepts of citizen and citizenship can be traced to the Greeks and Romans. In the Greek City-States the status of citizen was conferred on property owners to the exclusion of those without property, women and slaves. The Romans were however the first to give the concept an overt political connotation. They defined as citizen's *free residents* of the city of Rome as distinct

from its conquered peoples. Subsequently, they extended the status of citizenship to their allies in the Italian peninsula. By AD 212 however, Romans citizenship had become a privilege of free inhabitants (residents) of the Roman Empire[9]. Thus, even at this rudimentary level, citizenship was the preserve of free individuals who were resident within a given territory. Its extension to those outside this group was premised on the satisfaction of certain conditions.

Contemporary notions of citizenship however owe their character to the emergence of the Capitalist State following the demise of Feudalism in Medieval Europe. Its explicitly political character is however identified with the American and French revolutions of the 18th century. Be that as it may, the emergence of the Capitalist State gave modern (or contemporary) citizenship its character. This is because the emergence of capitalist relations of production consequent upon the institutionalization of capitalism as the dominant mode of economic production, led to the rupturing of the fetters of feudalism, making the individual available for incorporation into the capitalist production process. Capitalism transformed the individual from a subject of the feudal Lord and the Monarchy, to a citizen of the State. As a citizen, he became a political personality, a stakeholder in the society with reciprocal rights and obligations binding him to the State: a privilege that the erstwhile subject lacked, in the feudal set up. This transformation from subject to citizen was however a neutral factor in relation to the status of the

subject (now termed citizen), as an object of exploitation. However, although the Capitalist State "liberated" the subject and transformed him into a citizen; an heir to all the rights guaranteed the individual in liberal democractic theory - the political framework of the Capitalist State - this liberation was and has been more symbolic than real. This is because the class nature of the Capitalist society undermines the universal guarantee of citizenship enshrined in liberal democractic theory by the enthronement of differentiated citizenship[10] based on class, as some classes are made more equal than others. This undercurrent of tension between the conception of citizenship flowing from the philosophical and epistemological bases of capitalism and that projected and sustained by the nature, character and operation of a capitalist society, is one of the major contradictions of capitalism that Maxism draws attention to and tries to transcend with its advocacy for a more equalitarian society based on the universalisation of citizenship. Caught within the vortex of its theoretical predilection for a global socialist citizenry however, Marxism did not develop a coherent theory of national citizenship other than the guarantee of equal citizenship identified with socialist democracy. Relatedly, this lacuna, explains the theoretical and practical inadequacies of Marxist and Socialist treatment of citizenship and the nationality question[11].

Scholarly concern with citizenship and citizenship rights is not new. In fact, it was the major preoccupation of the French philosopher Jean Jacques Rousseau whose *The Social Contract* can be seen as a

treatise on the subject[12]. Similarly, liberal political philosophers and theorists from John Stuart Mills and Alexis de Tocqueville, to Robert Dahl and Karl Popper in our days, have projected the democractisation of citizenship and citizenship rights as major projects and the major dividends of Western liberal democracy. That may be so, but as Professor Marshall has shown, even in the older liberal democracies, the grant of citizenship by the State has not been a mere concession by the State to its subjects, but the product of struggle as the citizens assert their claims on the State. It is from this perspective that Professor Marshall came up with the notion of the historical evolution of citizenship as a process of accretion, which started with the grant of civil rights in the eighteenth century, to political rights in the nineteenth century and to social rights in the twentieth century[13]. While one agrees with Marshall's viewpoint that citizenship rights have historically developed incrementally and through struggle, we do not share his implicit assumption that the struggle for citizenship rights has a terminal date which ended in the twentieth century. Citizenship did attain their highest level of development in the twentieth century to be sure, but the fact of continuing contestations over citizenship rights the world-over, attest to the fact that the struggle for equal citizenship is an on-going project. In other words, historically, citizenship has developed by accretion and through struggle.

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Today, with the ascendancy of liberal democracy as a global political ideology, citizenship has emerged anew, as a major subject of focus for both scholars and politicians. It was indeed no surprise therefore, that in the April 1992 general elections in the United Kingdom (UK), the three major political parties titled their manifestations around the subject of citizenship[14]. Thus, while the Labour Party's manifesto was titled "Citizens Charter", the Liberal Democrats titled theirs "Citizen's Britain". Not to be undone, the Conservative Party simply added "The" to the Labours Party's formulation to come up with "The Citizen's Charter". While the attention focused on the issue of citizenship by the political parties in the UK may have originated from more positive considerations than the current focus in Nigeria, the concern exhibited in both instances, is derived from the same need to address the unsettling manifestations of contestations over citizenship in the respective societies (though to varying degrees), which is a product of the tension and contradictions between the theory and practice of citizenship. Put differently, the dissonance between the theory and practice of citizenship is a global phenomenon, as no country can claim that there is a neat fit between its theory of citizenship as provided in its constitution and the reality of citizenship as manifested in the State-citizen or citizen-citizen relationship.

Be that as it may, the concern over citizenship and citizenship rights has not only been a matter for domestic preoccupation as it has

since the emergence of the United Nations Organisation (UNO), been an ever-present subject on the global agenda. Circumscribed within the global need and objective of projecting and protecting human rights, the UNO has over the years crafted a number of international instruments and conventions aimed at institutionalising global observance and respect for human rights and equality, irrespective of race, colour, gender and other primordial differences. These instruments and conventions include the following:

1. The United Nations Charter (1948);
2. The Universal Declaration of Human Rights (1953);
3. The International Covenant of Economic Social and Cultural Rights (1966); and,
4. The International Covenant on Civil and Political Rights (1966).

Regional bodies have taken a cue from the UNO and emerged with similar instruments and conventions, but reflecting the peculiarities of their respective regions, for observance in their respective areas. Thus, in Europe we have had the following:

1. The European Convention on Human Rights and Fundamental Freedoms (1953);
2. The European Social Charter (1961); and
3. The European Convention on Human Rights (1991).

South America's equivalent is the American Convention on Human Rights (1969); while the African variant is the African Charter on Human and Peoples Rights (1981).

While it is true that the efficacy of these instruments and conventions as binding instruments of international relations is weakened by the fact that the UNO and the regional bodies that crafted them lack enforcement mechanisms to make them binding on member States, it cannot be denied that their general acceptability across the world, has served as a major restraining force to any would-be violator. Furthermore, the global approach to war crimes and criminals which started with the Nuremburg trials of the Nazis after the Second World War, to the current trials at the War Crimes Tribunal at the Hague, are pointers to the fact that concerted global action is possible in the most acute instances of transgressions against global citizenship and the violation of its accompanying rights.

Implied in our earlier exposition on the individual-community nexus in the definition of citizenship, is the fact that within the context of a State, citizenship revolves round the relationship between the individual and the State. However, the analytical appraisal of this relationship has tended to vary from scholar to scholar. It is within this context that we made reference to the definitional elasticity of the concept of citizenship earlier on. That notwithstanding, Paul Craig[15] has made the important observation that there are three ways of looking at citizenship from the trajectory of the State: First is to see

citizenship as a descriptive and evaluative criteria of "the law relating to nationality and immigration, in order to determine who is, and who can become a citizen ... (of any country)." Second, is to see it as "a description of the legal rights and duties which actually operate between citizens and the State"; and third, is to see it as "the principles that ought to appertain between citizens and the State". While it is possible to use each of these perspectives individually in appreciating the concept of citizenship as opined by Craig, it is my view that we can derive more theoretical benefits by looking at the three approaches as a single continuum made up policy ideals which are inspirational (embodying the third perspective) and of actual policy prescriptions and practices of citizenship (combining the first and second perspectives).

Practically, the attribute of sovereignty means that all States have a right to determine who can and cannot be their citizen, and also the criteria for the acquisition of such citizenship. Generally however, all countries the world-over, use four principles in the determination of citizenship for their respective countries. These are citizenship by *birth*, by *descent* by *naturalization* and by *registration*. Within these four broad principles however, are variances and variations reflecting individual State peculiarities and interests. Some interesting cases are worth mentioning: Under the Canadian Citizenship Act, for instance, citizenship by birth extends to people born on a Canadian ship or an air cushion vehicle or an aircraft registered in Canada[16]. Ghana has

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two interesting provisions on citizenship. First a foreigner married to a Ghanaian whether as wife or husband, can be a Ghanaian citizen only by registration via an application[17]. In other words, marriage does not confer automatic citizenship in Ghana. Second, a child of less than seven years found in Ghana whose parents are not known is automatically a citizen of Ghana[18]. Furthermore, a child who is less than sixteen years either of whose parents is a Ghanaian becomes an automatic Ghanaian, upon adoption by a Ghanaian citizen[19].

Indian citizenship criteria has gone through a lot of metamorphosis reflecting changes in the territorial configuration of the country from what the Indian government calls "undivided India" i.e. before 1947, when it encompassed today's Pakistan, to what it is today. Three things are worth noting about the criteria for Indian citizenship. The first is that while India like most countries uses the criteria of birth, descent, naturalization and registation[20], this latter criterion has a peculiar slant in India. This type of citizenship is said to be the privilege of persons of Indian origin born in undivided India who have been resident in India for seven years; or persons of Indian origin ordinarily resident outside undivided India; or persons married to a citizen of India and have been resident in India for five years; minor children whose parents are Indian citizens and citizens of Singapore and Canada resident in India for five and eight years respectively. The second noteworthy provision is with respect to Indian citizenship by descent for Indians born outside India. Between

26th January 1950 and 10th December 1992, this was a privilege reserved only for those whose fathers were themselves citizens of India. Between 10th December 1992 and 7th January 2004, this privilege was extended to those persons either of whose parents were Indian citizens. This proviso still subsists but with the added conditionality that for such citizenship to be conferred, the birth of the person being considered, must have been registered with an Indian Consulate within one year of the persons birth. Failure to do so within the stipulated period, will require the permission of the Central Government of India before the grant of such citizenship[21]. Third, until recently, India had a provision for "Overseas Indian Citizenship" (OIC). This was distinct from citizenship under the four criteria mentioned above. OIC was extended to the following persons: persons of Indian origin who are citizens of specified countries; persons of Indian origin who are citizenship of the specified countries but who were initially citizens of India[22]. Sixteen countries were singled out as the specified countries whose citizens of Indian origin could be granted OIC status. The countries are Australia, Canada, Finland, France, Greece, Ireland, Israel, Italy, Netherlands, New Zealand, Portugal, Republic of Cyprus, Sweden, Switzerland, United Kingdom and the United States. Why India picked on these countries for special treatment (including Singapore as we saw earlier), is not clear. Be that as it may, although the grant of Overseas Indian citizenship is

currently on hold, it is still part of the section of the Indian Constitution dealing with Indian citizenship.

Overseas citizenship though not common, is however not peculiar to India. Germany for instance, extends German citizenship to all peoples of German origin, irrespective of country of residence. Similarly, Hungary decided in a referendum held in December 2004, to extend Hungarian citizenship to all ethnic Hungarians (Magyars) living outside Hungary. This measure was targeted at particularly the 2.5 million ethnic Hungarians* living as minorities in neighbouring countries and was motivated by a desire to redress what many Hungarians see as the historic injustice meted out to Hungary after the First World War, when it lost two-thirds of its territory and one-third of its population when its borders were redrawn.

Apart from the criteria of citizenship, the modalities for the determination of citizenship also differ from country to country. For instance, most countries expect demonstration of "adequate knowledge" of the official language of the country. In the case of the UK, Australia, the United States and Canada, this is an explicit requirement which is subject to assessment before the grant of citizenship. Furthermore, while the determination of the grant of citizenship in most countries is the preserve of the central

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* *This 2.5 million constitutes about 1/5 of Hungarian's total population of 10 million. Romania has the largest number of ethnic Hungarians numbering 1.5 million; Slovokia has 600,000; Serbia has 300,000; while the rest are spread between Croatia, Ukraine, Slovenia and Austria.*

government, in Switzerland for instance, the Federal Government's role is minimal, with respect to the determination of citizenship by naturalization. Here, local communities have the major say and can even set their own criteria[23] in addition to the national condition of twelve years of permanent residency in the country.

I have embarked on this lengthy excursion on comparative citizenship criteria, simply to show that there are no universally accepted criteria or modalities for the grant of a State's citizenship. Each State determines its own criteria and modalities based on its own needs, requirements and considerations of national interest. In the same vein, T. H. Marshall has argued that even the rights and duties derivable from ones citizenship, are not based on any universal principles. In other words, these take meaning and are relevant within the respective national frameworks. Marshall also made the poignant observation that

> *Societies in which citizenship is a developing institution create an image of an ideal citizenship against which achievement can be measured and towards which aspiration can be directed*[24].

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Marshall seems to have some particular societies in mind as those not having consummated the institutionalization of citizenship. This then means that there are societies in which he believes the issue of equal citizenship is a settled matter. Indeed, this is the logical conclusion

that flows from his periodisation of the evolution of citizenship discussed earlier. However, the fact that the issue of citizenship should be so politically relevant as to be a catch-word for the major political parties in 1992 Britain which was the focus of Marshall's study in 1949, shows that the attainment of inclusive citizenship is not a once-and-for-all affair, but an on-going project even in supposedly old democracies.

That notwithstanding, what Marshall says in the quotation above, is in line with what we identified earlier as Paul Craig's third perspective on citizenship i.e. the conception of citizenship as consisting of "the principles that *ought* to appertain between citizens and the State", and which I call the aspirational aspect of citizenship. Most constitutional provisions on individual-State relationship fall into this category. They are statements on what ought to be; the ideal, as distinct from the reality on the ground; they provide the aspirational framework for the assessment of a country's movement towards inclusive national citizenship or the equal enjoyment of the rights of citizenship by all citizens of a country and this, explains the evident tension between the theory and practice of citizenship alluded to earlier. This tension though general, its character and intensity vary from society to society, depending on the peculiarities of the society and the extent to which the society approximates it's ideal. This tension is also most glaring in societies characterized by fundamental divergences and cleavages such as race, class, ethnic and religious

divides etc. And this, has been the problem with Nigerian citizenship and why Nigerian citizenship has been such a contentious matter, as we shall see below.

That citizenship has been a most problematic issue for Nigeria, few would deny. The cacophony of voices are as varied as the issues in contention. The settler-indigeneship claims and counter-claims; the cries of marginalization that rent the air; the debates on power shift, power rotation and zoning with respect to the Presidency; the demands for "true federalism"; and the clamour for resource control; are all varying dimensions of the contestations over citizenship. Going by the range of items listed above which are not exhaustive and which claims and clamour cut across the country, shows that there is general disaffection with what currently exists as Nigerian citizenship, since every group believes it has been short-changed one way or the other. Compounding the citizenship crisis in Nigeria is the seeming contest over the loyalty of the Nigerian between the Nigerian State and the various sectional and particularly ethnic groups, with the latter disturbingly seeming to have the better of the contest. Before we look at the problem of citizenship in Nigeria in greater detail, it is necessary that we understand the historical evolution of citizenship in Nigeria.

EVOLUTION OF CITIZENSHIP IN NIGERIA

The evolution of citizenship in Nigeria proceeded *pari passu* with the evolution of the Nigerian State. Thus as various parts of pre-colonial Nigeria were conquered, subjugated and incorporated into the British Empire, they also became theoretically (as we shall see later), citizens of the British Empire. The phasal construction of Nigeria from the carving out of the Protectorate of Lagos in 1887, the Colony and Protectorate of Southern Nigeria in 1906, the Protectorate of Northern Nigeria in 1910 and finally the Colony and Protectorate of Nigeria in 1914, symbolised the formal incorporation of pre-colonial Nigeria into the British Empire and the investiture of the citizenship of the Empire on its peoples. This status was formalized with the promulgations of the *British Nationality and Status of Aliens Act* in 1914 which conferred British citizenship on all British subjects, those of the colonies inclusive. The adoption of the *British Nationality Act* of 1948 however, reviewed the 1914 Act, creating a distinction between citizens of the United Kingdom and citizens of the Colonies, and in the process, whittling down the rights and benefits hitherto emanating from membership of the British Empire. What remained of the citizenship status of the colonial subjects of the British Empire, were gradually reduced to the rights and privileges enjoyed by Commonwealth citizens in the United Kingdom, as all the colonies eventually exitted from the British Empire as independent sovereign entities.

As pointed out earlier, the citizenship status of the colonial peoples in the British Empire was more apparent and theoretical than real. As Mahmood Mandani argues persuasively in his engaging study of citizenship under colonialism, the practice of citizenship in the colonies mirrored the "janus-faced", "bifurcated" character of the colonial State[25]; a state that operated on the basis of a dual mandate with policies and laws that separated the coloniser from the colonized - or the civilized from the uncivilized - as Mandani puts it – (civilization being racially defined)`. He points out further, that even though the colonized peoples were granted a modicum of civil and even political rights such as the right to vote - which was indeed one of the rights guaranteed by the Nationality and Status of Aliens Act of 1914 - such rights were rendered meaningless by the property and other qualifications made conditional for their exercise[26]. Furthermore, the practice of Indirect Rule which was to varying degrees a general colonial practice, created an added dimension of citizenship differentiation between those the Colonial State subjected to the modern rule of law and its associated regime of rights and those it subjected to customary law and "a regime of extra-economic coercion and administratively driven justice"[27]. Indeed, for Mandani, the colonial peoples were no different from the bounded subjects of the Medieval era, for the constriction of their citizenship rights, deprived them of the full status of citizens. They lived in a world of theoretical equality and supposed universal citizenship, but in reality,

theirs was a divided world of inequality which by its manifestations, created subjects and citizens. In his words,

> *This divided world is inhabited by subjects on the one side and citizens on the other; their life is regulated by the customary law on one side and modern law on the other; their beliefs are dismissed as pagan on this side but bear the status of religion on the other; the stylized moments in their day-to-day lives are considered ritual on this side and culture on the other; their creative activity is considered crafts on this side and glorified as the arts on the other; their verbal communication is demeaned as vernacular chatter on this side, but elevated as linguistic discourse on the other; in sum, the world of the 'savages' barricaded in deed as in word from the world of the 'civilised'*[28].

It needs to be pointed out at this juncture, that prior to colonial subjugation, the pre-colonial inhabitants of what later became Nigeria, belonged to specific communities and societies. The policies and practices of Indirect rule by recognizing and using these communities and societies as the architectural foundation of colonial administration, reinforced the individual's identification with his community and the community's claim on the individual, thus institutionalising the citizenship status of the individual within these

communities, as a distinct category, from the citizenship of the larger polity of Nigeria.

It needs to be noted further, that although the blockwork in the construction of the Nigerian State was completed with the amalgamation of 1914, the attainment of nation-statehood was some way off. Thus, despite the structural existence of a Nigerian State, the nature and operational dynamics of the Nigerian federal system was such that regional peculiarities necessitated a distendered, gradualist approach to full nationhood. Herein lies the explanation for the differential disposition to the issue of self-government by the three Regional Governments: Thus while the Governments of the Eastern and Western regions sought for and were given self-government in 1956, the Northern Regional Government was ready to wait till 1959. Independence however, arrived for all Nigerians in 1960 and with it, a Constitution which for the first time specified the general criteria of Nigerian citizenship.

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NIGERIAN CONSTITUTIONS AND NIGERIAN CITIZENSHIP

As pointed out above, the first formal constitutional pronouncement on Nigerian citizenship was articulated in the 1960 Constitution. As stated by the Constitution,

> *A person who was alive on the date of independence became a Nigerian citizen, if he was, immediately before*

independence, a citizen of the United Kingdom and Colonies or a British.

One does not have to read between the lines to realize that this was simply a transposition of colonial citizenship to the post-colonial era. This is understandable considering the fact that at this juncture, Nigerians were still Her Majesty's subjects. It is therefore correct to assert as Osaghae does, that "any consideration of citizenship in Nigeria must, of necessity, begin with the 1963 Constitution"[29] This is because, 1963 was the year Nigeria de-linked from the last vestiges of formal colonial control. The definition of citizenship under the 1963 Constitution of the Federal Republic of Nigeria was therefore drafted to reflect this difference. Section 7 of the 1963 Constitution thus defined the Nigerian citizen as,

> *Every person who having been born in the former colony or protectorate of Nigeria was, on the 30th of September 1960, a citizen of the United Kingdom and Colonies or a British protected person.*

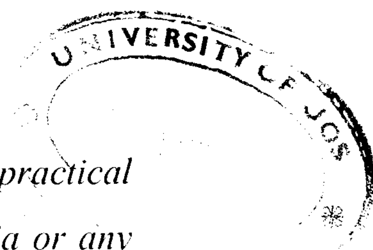
Section 11 of the same Constitution, also further provides that,

> *Every person born in Nigeria after the 30th day of September 1960 shall become a citizen at the date of his birth.*

Citizenship was also extended to those born outside Nigeria by Nigerian parents, while it was denied those born in Nigeria to non-Nigerian parents. This thus means that birth and descent were the qualifications for citizenship as provided by the 1963 Constitution.

To buttress the quality of equality embodied in the concept of citizenship, Section 28(1) of the 1963 Constitution explicitly prohibited any laws, policies and actions that discriminated or conferred any special privilege on any Nigerian. Appropriately titled *Right to freedom from discrimination*, the Section stated that,

> *A citizen of Nigeria of a particular community, tribe, place of origin, religion or political opinion, shall not, by reason only that he is such a person:*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> *(a) be subjected either expressly by, or in the practical application of, any law in force in Nigeria or any executive or administrative action of the Government of the Federation or the Government of a Region to disabilities or restrictions to which citizens of Nigeria of other communities, tribes, place of origin, religious or political opinions are not made subject; or*

(b) *be accorded either expressly by, or in the practical application of, any law in force in Nigeria or any such executive or administrative action, any privilege or advantage that is not conferred on citizens of Nigeria of other communities, tribes, places of origin, religious or political opinions.*

It was however the 1979 Constitution that went into great detail in its articulation of the concept of Nigerian citizenship. Its definition of the Nigerian citizen did not only deliberately remove any reference to the colonial origin of Nigerian citizenship[30] but its provisions on the issue, were quite effusive. First, it devoted a whole Chapter (Chapter III), specifically to the issue, while Chapters II and IV, dealt expansively with the issue of citizenship rights in their varying dimensions. Be that as it may, Chapter III provides for citizenship by birth, descent, registration and naturalization. Under the requirement of citizenship by birth and descent, Section 23(1) of the 1979 Constitution States that citizenship is the right of

(a) *Every person born in Nigeria before the date of independence, either of whose parents or any of whose grandparents belongs or belonged to a community indigenous to Nigeria; (Emphasis added).*

(b) *Every person born in Nigeria after the date of independence either of whose parents or <u>any of whose grandparents is a citizen of Nigeria</u>; and; (Emphasis added).*

(c) *every person born outside Nigeria either of whose parents is a citizen of Nigeria.*

Section 24 which deals with citizenship by registration, states that this is at the pleasure of the President and is a priviledge extended to:

(a) *any woman who is or has been married to a citizen of Nigeria; or*

(b) *every person of full age and capacity born outside Nigeria any of whose grandparents is a citizen of Nigeria.*

Citizenship by naturalisation is also at the pleasure of the President. The qualities and qualifications of persons who can apply are outlined in Section 25. Two of these qualifications are worth highlighting. The first is that such persons must have "resided in Nigeria for a continuous period of 15 years" (Section 25(2)(g)(i). The second is the stipulation in Section 25, (2)(d) where the person applying for citizenship through naturalization,

Is in the opinion of the Governor of the State where he is or he proposes to be resident, acceptable to the local community in which he is to live permanently, and has been assimilated into the way of life of Nigerians in that part of the Federation. (Emphasis added).

Fundamental Rights of citizenship are the focus of Chapter IV of the Constitution where the following eleven rights are guaranteed all Nigerian citizens:

a. *Right to life;*

b. *Right to human dignity;*

c. *Right to personal liberty;*

d. *Right to fair hearing;*

e. *Right to private and family life;*

f. *Right to freedom of thought, conscience and religion;*

g. *Right to freedom of expression and the press;*

h. *Right to peaceful assembly and association;*

i. *Right to freedom of movement;*

j. *Right to freedom from discrimination; and*

k. *Right to acquire and dispose of property.*

It is worth noting that the provisions of the 1979 Constitution on the Right to freedom from discrimination (Section 39), simply reproduced

the 1963 provisions (Section I) with two additional provisions (sub-sections 2 and 3), Section 2 states that,

> *No citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth.*

On the other hand, Section 3 states that nothing in Section I

> *shall invalidate any law by reason only that the law imposes restrictions with respect to the appointment of any person to any office under the State or as a member of the armed forces of the Federation or a member of the Police Force or to an office in the service of a body corporate established directly by any law in force in Nigeria.*

If it is argued that the provisions on Fundamental Rights in Chapter IV are global or universal, and not intrinsically Nigerian, the provisions of Chapter II which deal with the *Fundamental Objectives and Directive Principles of State Policy*, can be seen as the most elaborate articulation of the commitment of the Nigerian State to the actualization of a wholesome Nigerian citizenship. This Chapter brings out in bold relief the individual-state nexus of citizenship as it itemizes clearly and in great details, the obligations of the State to citizens of Nigeria. Indeed, this is the only part of the Constitution

where the observance and application of its provisions are explicitly stated as "the duty and responsibilities of all organs of government and of all authorities and persons exercising legislative, executive, or judicial powers". (S13).

Be that as it may, Section 14 elaborates Government obligation to the people where it is stated that "the security and welfare of the people shall be the primary purpose of government" (S14(1)(b). Section 14(3) established for first time in the constitutional history of Nigeria what we today call the Federal Character Principle which directed that,

> *The composition of the Government of the Federation or any of its agencies and the conduct of its affairs shall be carried out in such manner as to neglect the federal character of Nigeria and the need to promote national unity, and also to command national loyalty thereby ensuring that there shall be no predominance of persons from a few States or from a few ethnic or other sectional groups in that government or its agencies.*

Sub-section (4) of the same section extends this directive to the States and Local Governments and their agencies, in recognition of "the diversity of the people within its area of authority and the need to promote a sense of belonging and loyalty among all the peoples of the Federation" Section 16 outlines the States' economic programme and

the placement of the Nigerian citizen. Section 17 states that the "Social order of the Nigerian State" is founded on "Freedom, Equality and Justice" while Section 18, says the States' Educational policy shall be directed "towards ensuring that there are equal and adequate educational opportunities at all levels" for the Nigerian citizen. Of particular importance to the evolution of non-discriminatory citizenship are the provisions under Political Objectives where it is stated that

> *National integration shall be actively encouraged, whilst discrimination on the grounds of place of origin, sex, religion, status, ethnic or linguistic association or ties shall be prohibited. (S15)(2).*

The Section goes further to outline what the *duty of the State is in the quest for national integration* and by extension, inclusive citizenship. Thus Section 3 & 4 state as follows:

(3) For the purpose of promoting national integration it shall be the duty of the State to -

(a) provide adequate facilities for and encourage free mobility of people, goods and services throughout the Federation;

(b) secure full residence rights for every citizen in all parts of the Federation;

(c) *encourage inter-marriage among persons from different places of origin, or of different religious, ethnic or linguistic association or ties; and*

(d) *promote or encourage the formation of associations that cut across ethnic, linguistic, religious or other sectional barriers.*

(4) *The State shall foster a feeling of belonging and involvement among the various peoples of the Federation, to the end that loyalty to the nation shall override sectional loyalties.*

Furthermore, the Federal Character Principle is seen as a critical mechanism for the promotion of national integration, as the Constitution (S277) interprets the principle as;

> *The distinctive desire of the peoples of Nigeria to promote national unity, foster national loyalty and give every citizen of Nigeria a sense of belonging.*

The 1999 Constitution replicates the citizenship provisions of the 1979 Constitution in every material particular, except for the numbering of the respective clauses. There are however two noteworthy additional contributions. The first, is in strengthening the mechanism for the exercise of the Federal Character Principle, where provision is made for the establishment of the Federal Character

Commission in Part I © of the Third Schedule of the Constitution. The second, is the inclusion of a new clause (Section 43), making the right to acquire and own immoveable property anywhere in Nigeria, a fundamental right.

ATTEMPTS AT INCLUSIVE CITIZENSHIP

Apart from constitutional provisions, the Nigerian State and its managers have over the years - partly in response to the destabilising potential of the crisis of citizenship for Nigeria and partly in recognition of the problematic nature of citizenship in a diverse, plural and multi-ethnic society - tried to reinforce the constitutional provisions on citizenship with policies and programmes that buttress the position of the Nigerian State as the only legitimate claimant of the loyalty of the Nigerian. From this perspective, any other focus of loyalty should be that sanctioned by the Nigerian State and even so, it must be seen to be operating towards the same goal of the attainment of a Nigerian nationhood within the context of a universal Nigerian citizenship.

Emerging from a civil war partly induced by the contestation over citizenship and citizenship rights and operating in a military-induced centralised political governmental structure, the military from 1971 to 1979 saw the solution to the problem of differentiated citizenship arising from the multiplicity of locus of loyalties, as lying in the conscious creation of a Nigerian Leviathan. Thus deliberate

policies were put in place which forcefully subsumed and/or tried to obliterate any semblance of regional or sectional consciousness. That was when the government banned all sectional/regional socio-political associations and, when all regional newspapers, radio houses, and all regional Universities were taken over by the Federal Government. Furthermore, government control over lands, hitherto limited to the Northern part of the country, was extended to the South through the Land Use Decree of 1978. The National Youth Service Corps was introduced in 1973 to inculcate in the youthful graduates a sense of national consciousness, while as we have seen, the 1979 Constitution introduced the Federal Character Principle into Nigeria's political processes, with the aim of giving all sections of the country a sense of belonging through the equalization of political appointments among the relevant strata of the Nigerian society. In the same vein, quota admissions were introduced into all Federal/tertiary institutions. The intention of all this was to make the Nigerian State the focus of loyalty, nurture a national Nigerian consciousness and thus groom a Nigerian citizen.

Given the nature of military regimes, the centralizing tendencies identified above became the norm with all subsequent Nigerian military governments. However, for obvious reasons, the approach was and had to be different in a democratic dispensation. In the absence of the force of military tradition, character and hierarchy; and in the face of the openness guaranteed by constitutional

democracy, the plural nature of Nigeria's society made its presence felt, as fissiparous tendencies spurred on by primordial consciousness reemerged and tried to assert their relevance in the newly structured democratic space that emerged between 1979 and 1983 and 1999 to the present. Sectional, ethnic and religious voices that had been clamped down under military rule, now found ample room for variable expression in the open society made available under democratic rule. The tendency of the political elite to fall back on these primordial units of expression and identity as ready political/electoral tools also exacerbated the problem. It is thus no wonder, that the manifestations of contestations over citizenship and citizenship rights have been more evident and ubiquitous, during periods of democratic rule.

Worried by the ubiquity of these contestations, but more so by their possible consequences for the nation if left unaddressed, Chief Alex Ekwueme has stated[31], that the Shagari regime had intended addressing these problems through the establishment of a Ministry of National Integration before it was overthrown. As pointed out earlier, the contestations over citizenship have reemerged in the Obasanjo era with greater ferocity, leaving material, and psychic destruction in their trail and threatening the fabric of national co-existence. It is this that has made for the new focus and attention on the subject. Indeed, apart from the issue being the focus of a Doctoral thesis in our Political Science Department[32], it is one area that has attracted serious

scholarly attention of late[33]. Media attention has also been focused, while Civil Society Organizations such as *The Catholic Secretariat and the Citizens Forum for Constitutional Reform* (CFCR) have been consistent in their advocacy for the drawing up of a new citizenship map for Nigeria. Concerted efforts have also been directed at initiating legislative action on the issue. Indeed, one can identify no less than three bills that have been submitted to the National Assembly on the subject of citizenship between 2002 and 2005. These include the bill submitted by the National Association of Seadogs in 2003 titled: *An Act to make provision for the integration of and indigenization of Nigerians (and foreigners) into the States and communities wherein they reside, carry on business and, or, are married in the Federal Republic of Nigeria.* The other two were sponsored by Senators in 2004. The first being that sponsored by Senator Abu Ibrahim (ANPP Katsina) titled: *An act to make provisions for the right of a person to be an indigene of a locality in Nigeria and for purpose(s) connected therewith.* The second was sponsored by five PDP Senators: Jonathan Zwingina, Abubakar Sodangi, Ibrahim Mantu, Dalhatu Tafida and Emmanuel Agboti; and had the straight-forward title of *Citizens Residency Right Bill 2004.* Reflecting the seriousness of the situation, the Obasanjo government on its part, set up a Presidential Panel on Provisions for and Practice of Citizenship in Nigeria, to have an in-depth look at the issue. Furthermore, the Presidential Committee on Review of the 1999

Constitution (PCRC) of 2001; the National Political Reform Conference (NPRC) of 2005; and the National Assembly Joint Committee on the Review of the 1999 Constitution (NACC), did not only address the issue, but have made far-reaching suggestions and fundamental inputs into the Obasanjo regime's efforts towards evolving a more nationally operative criteria for a more inclusive Nigerian citizenship. The subject focus of the bills are evident from their titles and thus need not delay us further. We however, need a closer look at the recommendations of the PCRC, the NPRC and the NACC.

The PCRC dealt with the issue of citizenship through its advocacy for constitutional guarantees for the *Rights of Women and other less Priledged Groups*. It this regard, it recommended[28];

i) *The substitution of the Federal Character Commission with the Equal Opportunity Commission with an expanded mandate to accommodate the interest of all Nigerians, including women, youth, the aged, the disabled, ethnic minorities and other special interest groups;*

ii) *That women be allowed to take the indigeneship of the State of their husbands;*

iii) *The substitution of the word "sex" as it refers to the genuine in the Constitution with the word gender.*

The NPRC on its part, focused on the issue of residency rights. After reiterating what exists in the Constitution to the effect that "the right of any Nigerian citizen to be resident or domicile in any part of Nigeria should be recognized", it states that such resident shall enjoy rights, privileges and facilities in the place of his choice provided:

a) *he or any of his/her parents was born in the place concerned;*

b) *that the person is married to an indigene;*

c) *the person has lived there continuously for period of not less than 18 years;*

d) *the person is not a seasonal migrant;*

e) *the person carries out his/her normal day-to-day activities and business in that community and does not claim indigeneship status in any other community in Nigeria; and*

f) *has fully integrated in all practical respects in the place where he seeks such indigeneship.*

Such recognition of residence of domicile shall not apply to any migrant group or mass movement of a body of people, a tribal or ethnic group to another community with a view or in a manner to suggest that such movement is intended or would amount in practical terms

to the displacement or usurpation of the rights and/or displacement of the original native inhabitants of the area concerned.

In the same vein, the NACC has suggested four major amendments regarding Nigerian citizenship. First, under its Section 25(1) and (2) the following are to the entitled to citizenship by birth:

a) *every person born in Nigeria either of whose parents or any of whose grand parents is <u>an indigene of a community in Nigeria</u>; (Emphasis added).*

b) *persons born on or before the 1st day of October 1960 either of whose parents or any of whose grand parents was <u>an indigene of a territory or community now forming part of Nigeria</u>. (Emphasis added).*

Second, Section 43(1) of the National Assembly amendments like that of the PCRC recommended that married women should belong to their husbands States and enjoy all the rights that go with that status. Thus its Section 43(1) States that;

A Nigerian woman married to a Nigerian who is not of the same State of Origin as the man shall be entitled to all the rights and privileges of the State in all cases of

appointment, employment or election to any political office as if she were an indigene of that State.

Third, like the NPRC, the National Assembly Committee also addressed the issue of residency rights. Thus its Section 43(2) states that:

a) *The right of every Nigerian to reside and work in any part of Nigeria as a citizen of that place is thereby guaranteed and protected;*

b) *No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the State;*

c) *A person shall be deemed a resident of a place in Nigeria when he has been resident and has paid all his taxes in that place for a continuous period of three years;*

d) *every Nigerian child between the ages of six and ten shall be entitled to free and compulsory basic education.*

As we shall see below, the NPRC and the National Assembly have tried to address some of the contentious issues of Nigerian citizenship. Before we assess to what extent the modifications, amendments and new suggestions have gone in providing for a more wholesome

citizenship however, it is necessary that we discuss what the areas of contention are.

CONTENTIOUS ISSUES IN NIGERIAN CITIZENSHIP*

The issues identified as being contentious in Nigerian citizenship can be grouped into four: First is said to be the constitutional prominence given to genealogical roots and indigeneity in determining citizenship. Second, is the issue of the Federal Character Principe. Third is the controversy over residency as a criterion for citizenship. Fourth is the nature of the Nigerian Constitution. We shall address each of these issues below.

The most oft-repeated and some would say serious allegation against what I have been calling the theory of Nigerian citizenship is said to be the constitutional requirement for the satisfaction of sanguinary conditionalities before the claim to Nigerian citizenship is recognized. This charge is based on an assessment of three constitutional provisions which emphasise indigeneity as a determining factor in Nigerian citizenship. The first is the constitutional requirement which states that for one to be recognized as a Nigerian citizen by birth or descent, his genealogical roots must be traced "to a community indigenous to Nigeria" (S26(a)). The second is the constitutional interpretation of belonging to a State (Part

* All references to the Nigerian Constitution from here onwards unless stated otherwise, refer to the s1999 Constitution.

IV). The Constitution states that to belong to a State, "refers to a person either of whose parents or any of whose grand parents was a member of a community indigenous to that State". The third constitutional recognition of indigeneship, is Section 147(3) which states that for one to qualify for appointment as a Minister, he/she must be an indigene of a State. The argument against this recognition of indigeneship are multiple and varied but include the following. First, it is argued that implicit in the recognition accorded indigeneship is the emphasis on ethnic groups, because the communities indigenous to an area are not nebulous, inchoate collections of peoples, but concretely identifiable ethnic groups. This is said to be a misplaced recognition, because of the conflicting and contradictory histories of migration normally spawned by ethnic groups claiming indigeneship of the various communities in Nigeria. Relatedly, it is argued, that the ethnic groups we know today and as presently constituted, are recent arrivals on the Nigerian socio-political landscape; their evolution being no further than the cononial period. Second, is the argument that even if it is conceded that ethnic groups can be identified as indigenous to specific communities, using this fact as the basis for policy making and implementation, discriminates against people who do not belong to these ethnic groups, but who were born in these communities or have been long residents in the said communities. Third, it is argued that the prominence given to indigenous communities and by extension ethnic

groups, nourishes ethnic and sectional consciousness in Nigerians, creating in the process, multiple centres of loyalty and thus subverting national loyalty and the evolution of a Nigerian citizen. Fourth, is the view that the recognition given to ones indigeneship in the definition of citizenship complicates the conception of Nigerian citizenship by giving the impression of a multi-layered citizenship. Fifth, is said to be the refusal to extend to married women the indegeneship of their spouses and the accompanying rights.

The second, set of problems with Nigerian citizenship is said to be with the Federal Character Principle. The argument here is that the Federal Character provision in the constitution, subverts the notion of equality implicit in shared citizenship. A variant of this argument however accepts the need for the federal character provision, but argues that the implementation process deliberately sabotages the aspirations of some Nigerians, while promoting that of others and to that extent, making some Nigerians more equal than others. The rendition here is always in the form that qualified Nigerians have had their ambitions thwarted, while the unqualified ones are elevated, to the detriment of merit.

The third dimension of the problem of citizenship in Nigeria is said to be the non-recognition of residency as a criterion of citizenship and consequently the discrimination meted out to Nigerians who are resident in areas where they are non-indigenes.

Implicit in all the above, is the belief that the problem with Nigerian citizenship is a constitutional problem, with the colorally that once the constitutional defects are corrected, we shall have an acceptable and less problematic notion of citizenship in Nigeria. The constitutional problems normally highlighted include all the above in addition to the view that significant as the citizenship rights provided in the constitution are, particularly those dealing with the Fundamental Objectives and Directive Principles of State Policy - they are mere platitudes, with little practical relevance, because they are not justifiable.

From our discussion of the amendments and modifications suggested by the PCRC, NPRC and the NACC, it is clear that there has been concerted effort to straighten out some of the problematic and contentious issues identified above. For instance, they have addressed the controversial issue of the citizenship status of women married to spouses from States other than their own; they have addressed the residency problematique, specifying residency rights that go with it and the conditionalities for their enjoyment - the most important being years of residence in a given locality. The NACC has also tried to address the controversy over the formulation; "a community indigenous to Nigeria", and also the debate on the autochthonocness of such communities.

There is no doubt that some of the suggested amendments and modifications made by these agents of the Nigerian state are welcome

steps towards the evolution and strengthening of a national policy on citizenship as opposed to the regionalist/State approaches of the past.* The changes will also placate those who think the problem with Nigerian citizenship is constitutional and they may indeed provide needed constitutional support for issues such as the promotion and defence of women's rights. Important as the amendments and modifications are, they have not taken us out of the woods. This is because - as we shall argue below - the perception of the problem of citizenship in Nigeria as a constitutional problem is an example per excellence of misplaced concreteness.

As I will argue below, while the Nigerian constitution may not be perfect as far as the issue of citizenship is concerned, our inability to evolve an inclusive national citizenship lies more with the Nigerian State and our own individual and communal attitudes to the issue.

On the issue of constitutional defects, it is my belief that this is a product of a poor reading of the Constitution; or its deliberate misrepresentation; or a faulty theoretical appraisal of the problem of citizenship in Nigeria. The problem with Nigerian citizenship I would argue, is more of an attitudinal problem. It is my belief that if the Federal and State governments situated their policies within the provisions of the Constitution and if Nigerians abided by these

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* *For instance the decision of the government of Plateau State under Air Commodore Dan Suleiman to grant indigeneship of Plateau State to anybody who had resided in the State for 20 years, faced opposition and was eventually dropped because it lacked national support.*

provisions, we shall have less problem with Nigerian citizenship than we currently do. I will buttress my argument within the context of the said defects we have identified, starting with what is said to be the constitutional conception of Nigerian citizenship. Here, it is claimed that the Nigerian Constitution creates confusion, by providing for multiple or multi-layered citizenship through its recognition of indigeneship and the emphasis on "State of Origin" as a basis for the implementation of the Federal Character Principle. This is a wrong reading of the Constitution. There is only one national Nigerian citizenship and the Constitution is elaborate in defining it. True, it is possible for one to theoretically conjure levels of citizenship - family, clan village, Local Government Area and State, etc - below the national one, but there is no justification (even theoretically), for one to equate any of these with national citizenship. Each takes meaning within its own specific context. One can enjoy multiple citizenships only if the contextual definition of one level encompasses the other levels. In other words, to the extent that all the other levels are constituent parts of the Nigerian nation, to that extent, I am a Nigerian as well as the citizen of the various lower socio-political categories. Therefore, rather than see the lower citizenship levels as being in competition with national citizenship, or see the multi-layered levels as being mutually exclusive, they are mutually inclusive and form a continuum from the lowest level (family) to the highest (national). In any case, the notion of multi-layered or multiple citizenship finds no

support in the constitution as the constitution only talks of one national citizenship. It is true that the national citizenship conception of the Constitution combines the functional and plesbicitarian concepts of citizenship[34], but as I have shown, this is a reflection of the peculiarity of the Nigerian society and in any case,
the distinction made between these two notions of citizenship in the theory of citizenship, does not imply mutual exclusivity*.

Now to the issue of indigeneship. To start with, is there a Nigerian who is not an indigene of any place? Two, is there a Nigerian whose parents and grand parents cannot trace their roots to any community in Nigeria? If the answers to these two questions are negative, then who does the constitutional focus on indigeneship discriminate against? Nobody, since all Nigerians are indigenes of particular places and all enjoy the benefits of that status in their respective communities. To say that I am an object of discrimination simply by the quality of non-indigeneship of a given State is a non sequitur argument because non-indigeneship does not on its own attract discrimination. Put differently, the constitution recognizes indigeneship, but nowhere does it say non-indigenes should be discriminated against because they are non-indigenes. As we saw earlier, the Constitution does make specific provisions protecting Nigerians against discrimination and guaranteeing them full residency

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* *I have dealt at length on this issue in an earlier paper. See Sonni Gwanle Tyoden, "Of Citizenship and Citizenship Rights", Paper presented by Nzem Birom '96; 4th May 1996.*

rights. Where the problem lies is in our attitude and the attitude of our governments to the non-indigene.

Second, to say that the emphasis on indigeneity is wrong because the autochthonic claims of ethnic groups or even their existence as coherent symbols of identity is controversial, is also misplaced. True, the claims some ethnic groups lay to particular areas may be products of "tales by moonlight". It is also true, that the mutability and ever-changing character of ethnic identity is a problematic factor in the appraisal of ethnic groups. However, the reality is that at any point in time an ethnic group can be identified as such and at that point, it is a critical social category for purposes of theoretical analysis and even political action. It is worth pointing out at this juncture, that the thesis that ethnic groups in Nigeria as presently constituted are products of colonialism, have since the altercation between Thomas Hodgkin and Professor S. Biobaku in 1957 when the view had its origin, never been a settled academic matter[35]. As stated above however, whether or not the Mwaghavul, the Yoruba, the Tiv or the Urhobo ethnic groups etc., are recent creations or not, the reality is that today a group of people identify themselves as such, and are so recognized. Furthermore, these ethnic groups could - as they variously claim - have migrated from Timbuktu or Babylon or could even have dropped from Mars to their present abode in Nigeria, but the reality today, is that we can identify their occupation of particular territorial space in the country.

The Constitution is therefore wrongly faulted for focusing on communities indigenous to Nigeria because such communities exist as a matter of fact. Additionally, Nigerians generally identity themselves with these committees and ethnic groups. Indeed, as stated by Professor Eme Awa, "in all sections of the country, among all the ethnic groups indigeneity is a very important value"[36].

Nzongola-Ntalaja even goes further than Professor Awa in generalizing this attachment to indigeneity to the African plane. In his words,

> *Africans are not only the first humans, they are also the humans with the greatest attachment to ancestral lands, and it is on the basis of their experience in living in the society from the family to the larger social units that their values of solidarity such as ethnic allegiance and patriotism are born. It follows that attachment to ones community and through it to the soil of the ancestors or the homeland, is a fundamental dimensions of the notion of citizenship in Africa*[37].

A worrisome dimension of the argument against ethnic identity is the tendency to portray such identity in the negative. True, it is negative when it is used to divide and to subvert national cohesion, but it is not always true that this is the case. Indeed, as Professor

Elaigwu has argued, ethnic consciousness is a neutral factor in the process of nation-building. In his words,

> *Ethnic consciousness is not detrimental to the process of national integration in a nation-state. In fact, it can be argued that every individual needs this form of consciousness for his or her own identity. The fact that I am a Hausa, Igbo, Yoruba, Idoma, Masai, Buganda, English, Welsh, Walloon is a basic fact of identity. To deny it may lead to a crisis of identity.*[38]

That we all share Prof. Elaigwu's view can be seen in the fact that apart from Nigerians with religiously oriented names, there is hardly any Nigerian who has a name that does not identify him with a particular ethnic group or his particular place of origin. In other words, we make conscious efforts to advertise our indigeneity even in our names, so why should we fault the Constitution when it gives recognition to this reality?

On the Federal Character Principle and its alleged sabotage of merit and the enthronement of mediocrity resulting in inequality among supposedly equal citizens, there is some intellectual dishonesty in this argument. This is so because in all the clamour against the FCP and its implementation, nobody has ever produced any empirical evidence to support the case. It is simply assumed. Second, since the provision is seen as being more advantageous to the less developed

parts of the country, implicit in the mediocrity-merit argument is the belief that some sections of the country have a monopoly of meritocratic Nigerians, while others are peopled by mediocres, which is obviously not the case. In any case, the FCP which is no more than a mechanism for compensating structurally disadvantaged groups in the polity, is in fact not aimed at creating inequalities, but is in reality, an instrument for the equalisation of opportunities for all. In other words, it should be seen as an indispensable tool for accessing opportunities for everybody, thus a useful tool for the construction of inclusive citizenship. If there are short-comings in the implementation of the principle or in the operation of the Commission - which there are bound to be - a more objective approach would be to address and try to correct these lapses as the suggested amendments by the PRCR has done, rather than call for the scrapping of the Commission and the deletion of the principle from the Constitution*. There is little doubt that an objective assessment of the principle will concur that it has made a substantial impact on the citizenship status of Nigerians by providing equal access to all its citizens.

On the citizenship status of women married to spouses who are not from their States, there is no doubt that the suggested new constitutional provisions in this regard have taken care of a yawning lacuna in the Constitution which will definitely make married women feel more at home in their adopted States. However, I have a feeling

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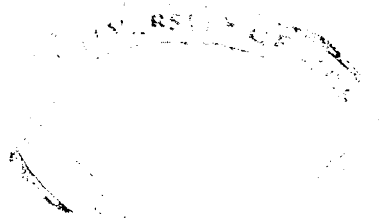
* *See the editorial by The Guardian 2nd January 2006, P12*

that our Constitutions have been deliberately silent on this issue. Silent, not because our constitutional drafters feel this is a non-issue, but because they might have taken it for granted that the issue will not arise, since the culture of all Nigerian societies accept a married woman as a full member of her husband's family. The adoption of the husbands name on marriage is a clear testimony of this cultural absorption of the woman. That today we have to make this obvious socio-cultural reality a constitutional matter is unfortunate, but like I said, given the nauseating treatment some married women have encountered - as we saw earlier - it is a worthwhile development.

On the issue of residency rights for non-indigenes of a particular State who are resident in that State, ordinarily, this should not be a borne of contention because Section 15(2)(b) of the 1999 Constitution states that one of the political objectives of the Nigerian State is to "secure full residence rights for every citizen in all parts of the Federation", while Section 41(1) guarantees every Nigerian the right to move freely throughout the Federation and "to reside in any part thereof". Furthermore, since 1963, all our Constitutions have taken a strong stand against discrimination against any Nigerian under any guise*.

* See Section 28 of the 1963 Constitution; Section 39 of the 1979 Constitution; and Section 42 of the 1999 Constitution.

These clear constitutional statements and positions not-withstanding. the issue of residency righs have however become one of the most serious threats to the citizenship claims of Nigerians. This is so. because we Nigerians, and the Nigerian State have not lived up to the constitutional bidding in this regard. I will establish our culpability in this respect one by one, starting with the Nigerian State and its organs, who are the most guilty transgressors of this constitutional provision. From the First Republic when we had Regions, to the present time of States, indigenes and non-indigenes of Regions and States across the country have been treated differently irrespective of years of sojourn in a particular place. Indeed, there is no State in Nigeria today that charges uniform fees for all its residents across the educational spectrum of the State. Similarly, there is none that offers scholarships to non-indegenes or offers non-indegenes unconditional employment. With particular reference to the issue of employment, so much ink and paper have been wasted by many a "scholar" in crucifying the then Northern Regional government and those of the current Northern States for offering other Nigerians contract instead of permanent appointment, yet nobody has ever presented any shred of evidence to show that the Governments of the then Eastern and Western regions had a more open door
policy for the employment of all Nigerians. In the same vein, no State in Nigeria today has such an open non-discriminatory policy. When non-indigenes are employed in States other than their own on



permanent basis, it is more often than not a political appointment aimed at making political show or catching a talented Youth Corper or some indispensable civil servant. And this cuts across all States of the Federation..

On the culpability of Nigerians, we are culpable because of our refusal to assert our rights and contest the discrimination meted against us by policies enacted by the State governments and the Nigerian State. The argument that these rights are not justiceable is neither here not there, because there is no Constitution anywhere in the world that says its provisions are justiceable or not. Unfortunately, this has been a long held criticism of the Nigerian Constitution , yet nobody has ever pointed out the constitutional prohibition against justiceability. In any case, where in the constitution is it stated that you cannot contest cases of discrimination against your person in court? Where in the constitution is it stated that you cannot challenge a State government or any organ of government that transgresses your citizenship rights in court? And remember, the first clause in Chapter 11 of the Constitution makes the most elaborate statement on the citizenship rights of Nigerians when it states that:

> *It shall be the duty and responsibility of all organs of government and of all authorities and persons, exercising legislative, executive or judicial powers to, conform to, observe and apply the provisions of this Chapter of this Constitution. (Section 13).*

Similarly, with respect to observing and protecting the sanctity of constitutional provisions, how many times has the Federal Attorney General instituted a Court action against a State government for implementing policies that truncate the citizenship rights of Nigerians? It is a trite point in constitutional law that when a legal enactment by a State contradicts provisions of the Constitution, that law is a nullity to the extent of the inconsistency. Furthermore, a law enacted by a State cannot supercede a Federal law. Yet, despite all the policies enacted by State governments institutionalizing discriminatory practices against some Nigerians, they have not been challenged either by individuals contesting and asserting their rights, or by the Federal government asserting the primacy of the Constitution or a Federal law. A move in that direction by the Federal Government I think, would have been the clearest demonstration of the commitment to *secure* for the Nigerian citizen the enjoyment of his constitutionally guaranteed rights and thus, make for the equalization of citizenship in Nigeria. Professor Olufemi Taiwo may not be far from right when he attributed this lack of will by Nigerians to press for their propriety rights in the polity, to long years of military dominance of the polity[39].

Another view that needs disposing of here also, is the claim that all Federal States operate a uniform, unitary concept of citizenship. The Nigerian citizenship concept which carries in tow recognition of indigeneship of local communities, as we have seen, is therefore said

to be a misnomer. This view is patently false. It is as much a fiction, as the view that there is a thing called "true federalism" to which all federal systems are supposed to approximate. Federalism is nothing more than the attempt to address the heterogeneity and diversity of society and effect a rational power distribution between its tiers of government. How each Federal system carries out these twin objectives, depends on the mode of evolution of the federal system and the peculiarities of the society. In the same vein, while the character of the society may exert some influence on the practice of citizenship, there is nothing like a model of citizenship peculiar to Federal States. For Federal systems such as those of Canada, the United States and Australia where the original inhabitants have been swamped into near oblivion by a migrant population, it is not strange that the concept of indigeneity will be alien to their Constitutions and societies. For Europe, Asia and particularly Africa where the inhabitants are ancient, original and rooted in their environment, the situation is bound to be different. Even in the US and Canada, the Red Indians are accorded some special rights within their homelands. That apart, there are rights guaranteed Quebecans in Quebec, Canada and Puerto Ricans in the US, which are not available to other Canadians or Americans. These special rights do not make the Quebecans more of Canadian citizens or the Puerto Ricans more of American citizens than the other Canadians or Americans. Similarly, as we argued earlier, recognition of ones indigeneship of a particular community

does not invest one with any special citizenship right outside that community, and furthermore, as we have argued, all Nigerians are in any case, indigenes of some place or the other.

CONCLUSION:

Lest I am misunderstood, Mr Chairman, ladies and gentlemen, the point being made is not that there is no problem with Nigerian citizenship, but that the way the problem has been posed has been misleading, and this can only lead to a wrong prognosis. For instance, in our zeal to make for equal citizenship rights for people who are resident in States other than their own, in response to popular clamour, the NPRC and the NACC have recommended that such non-indegenes should be accorded the same rights as indigenes if they have been resident in the locality for 18 and 3 years respectively. However, as we have seen earlier, the 1999 constitution does provide for full residency rights unencumbered by years of residence. What these suggested amendments are saying in fact therefore, is that you are to be discriminated against and denied residency rights until you complete the required number of years. This is obviously not the intention of the NPRC and NACC, but this is the logical interpretation and consequence of their suggestions. Furthermore, if we are to take the clamour against indigeneship and the recognition of ones ethnic identity to its logical conclusion, the solution would be to delete these references in the constitution and pretend we have produced the

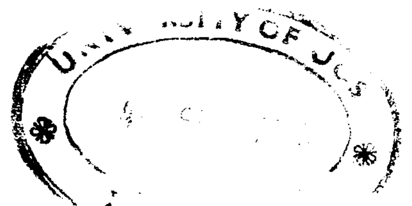
Nigerian citizens. True, there is a tension between the constitutional provision for universal citizenship for all Nigerians and the indigenship claims of some Nigerians. However, our argument is that the causes of these tensions and the resultant conflicts are exogenous to the Constitutional provisions on citizenship. The reasons are partly economic, partly political and partly attitudinal, as I have alluded to above.

Economically, the parlous economic situation of the country has made for greater competition over resources that are getting scarcer and scarcer. Contests over these resources and ownership claims of lands and territories, thus come to the fore. Politically, it is an accepted trade mark of the Nigerian political elite to use and exploit ethnic and sectional differences to further their political objectives. The reemergence of democratic rule thus inevitably exacerbates and politicises those ethnic and sectional differences. If the Nigerian State were more efficient in its service delivery to Nigerians, and lives up to its constitutional mandate of concern for the welfare of Nigerians as its primary goal, it would have blunted the edges of these economic and political factors that have capitalised on the failure of the Nigerian State to leave up to its obligations. It is possible that as the economic reforms embarked upon by the Obasanjo regime take root and result in a better managed economy; and as our democracy and political practices mature, we shall see less and less of the contestations over citizenship and its rights.

We need to have an alternative rethink in our current orientation to the issues of citizenship and citizenship rights which tend to emphasise more of constitutionalism and less of an attitudinal change. Nigerians have to develop the attitude of robustly asserting their citizenship rights. Inserting residency rights in a Constitution as has been suggested may provide psychological satisfaction, but it will only remain so, unless the recipients of such rights act to claim such rights. In other words, the equalisation of citizenship rights in Nigeria is a matter that goes beyond constitutional fiat. Individuals and Non-Governmental Organisations and Professional Associations need to rise up and keep the respect of these rights a permanent feature of the national agenda, for observance and respect by all citizens and tiers of government. In this regard, I doff my hat to the Nigerian Association of Resident Doctors (NARD), which has insisted that it will no longer allow recruitment of non-indigenous doctors on contract by any State in the Federation[40].

To sum up, Mr. Chairman, we have problems with the issue of citizenship and respect for citizenship rights in Nigeria no doubt, but these problems are not to be solved by us pretending to be what we are not or by superfluous constitutional provisions. It is we Nigerians that will invest these provisions with the appropriate and rightful meaning they should have and actualize them, thus reclaiming the patrimony that rightly belongs to all of us as Nigerian citizens.

Thank you.



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6. Martin Partington, "Citizenship and Housing" op cit, p.24.

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16. Canadian Citizenship Act, Interpretation S.2(a).

17. Constitution of Republic of Ghana Chapter Three, Section 7(1).

18. Op cit, S6(3).

19. Op cit S6(4).

20. Synopsis of the Citizenship Act 1955 (Government of India) (See Sections 34, 5 and 6).

21. Op cit., Section 4.

22. Op cit, (Section 7A).

23. The Swiss town of Ostermundigen in January 2004 for instance introduced written language test as one of the conditions for granting citizenship in its territory, becoming the first locality to do so in Switzerland.

24. T.H. Marshall, op cit, p.92.

25. Mahmood Mandani, Citizen and Subject, (Princeton University Press 1996) p.18...

26. Op cit., p.17.

27. Op cit., p.19.

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28. Report of the Presidential Committee on the Review of the 1999 Constitution Vol I (Main Report, February 2001) p.107-108.

29. Eghosa Osaghae, "The Problems of Citizenship in Nigeria" in Stephen O. Olugbemi, (ed.) Alternative Political Futures for Nigeria, (Nigerian Political Science Association, 1987) p.65.

30. This notwithstanding Section 268 of the Constitution states that Nigerian citizenship acquired under previous Constitutions were recognized by this Constitution.

31. "Alex Ekwueme, "How Maitama Sule Stepped Down for Shagari in 1979", Thisday 26th May 2002 p.12.

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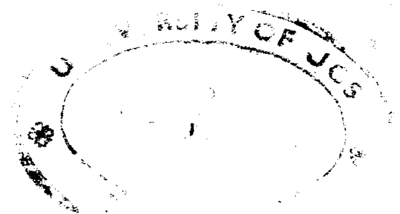
35. The recent academic exchanges between Dr. Bala Usman and Professor Peter Ekeh on the origins of the Urhobo attests to this fact. It is interesting that Professor Ekeh who shared this view in 1980 had changed position by 2005. See his Colonialism and Social Structure, (University of Ibadan Inaugural Lecture 1980) p.20, for his original view.

36. Prof. Eme O. Awa, "National Integration in Nigeria: Problems and Prospects" Distinguished Lecture No. 5 (Nigerian Institute of Social and Economic Research, Ibadan, 1983) p.3.

37. Quoted in Egwu, Samuel Gabriel, Ethnicity and Citizeneship in Urban Nigeria, op cit. p.101.



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40. According to the National President of the Association Dr. Jerry Oguizie, so far Zamfara, Kaduna, Ondo and Nasarawa States have succumbed to the demand of the Association. The Guardian 13th September 2005 p.39.

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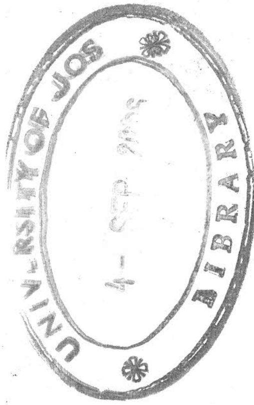

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